

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DIMAS GARZA,

Plaintiff,

v.

Case No. 2:17-CV-104

ROBERT NAPLES, et al.,

HON. GORDON J. QUIST

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Dimas Garza, filed a civil rights action pursuant to 42 U.S.C. § 1983 against Defendants. Plaintiff filed a motion for a temporary restraining order and preliminary injunction, seeking to enjoin Defendants from transferring him from the Baraga Maximum Correctional Facility back to the Marquette Branch Prison. (ECF No. 5.) On December 6, 2017, Magistrate Judge Timothy Greeley issued a Report and Recommendation (R & R) recommending that the Court deny Plaintiff's motion for a temporary restraining order and preliminary injunction because the Plaintiff alleged a speculative injury and "failed to meet the heavy burden establishing the need for injunctive relief." (ECF No. 11.)

Pursuant to Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1)(C), a party "may serve and file specific written objections" to the R & R within 14 days of receipt of the R & R. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Plaintiff has not filed any objections to the R & R. Accordingly, the R & R will be adopted as the opinion of this Court and Plaintiff's motion for a temporary restraining order and preliminary injunction will be denied. Therefore,

IT IS HEREBY ORDERED that the magistrate judge's Report and Recommendation issued December 6, 2017, (ECF No.11) is **APPROVED AND ADOPTED** as the Opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's motion for a temporary restraining order and preliminary injunction (ECF No. 5) is **DENIED**.

Dated: January 16, 2018

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE